

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

MICHAEL HOOD

)
)
)
)
)
)
)

CR. NO. 2:08-cr-09-WKW-WC

United States's Unopposed Motion to Continue Sentencing

The United States respectfully requests the Court to continue Defendant Michael Hood's sentencing in this case, currently scheduled for Thursday, August 13, 2008, at 11:15 a.m. for a period of at least 60 days. It requests this relief for the following reasons:

1. On January 9, 2008, a Grand Jury sitting in the Middle District of Alabama returned a one-count indictment against Hood, charging him theft of Hurricane Katrina funds (violating 18 U.S.C. § 641).¹ One of the conditions of his bond is that Hood not possess a firearm.² Hood was released on bond on January 29, 2008.³ On April 29, 2008, Hood entered a plea of guilty to his Indictment, and was released on the same conditions of his bond.⁴ On May 30, 2008, however, the probation office moved to revoke his bond because they learned that prior to his plea of guilty, Hood had (1) been arrested for possession of a

¹ Doc. #1.

² Doc. #6.

³ Doc. #7.

⁴ Doc. #29.

firearm and (2) failed to disclose this fact to his probation officer. On June 4, 2008, Smith's pre-sentence bond was revoked. This case is currently set for sentencing on August 13, 2008, at 11:15 a.m.

2. On or about June 24, 2008, the United States was set to present a new case against Hood to the June Grand Jury for Hood's possession of a firearm after indictment and while on pretrial release (in violation of 18 U.S.C. §§ 922(n) and 3147). On or about June 23-25, 2008, Hood's attorney and the United States had a variety of discussions in an attempt to resolve the gun case pre-indictment. Based on the discussions, the United States agreed to temporarily postpone the presentment of the new indictment.

3. Recently, the parties believe they have come a negotiated resolution in which Hood will plead to a one-count information, charging him with a violation of 18 U.S.C. §§ 922(n) and 3147. The United States will then ask the Court to consolidate the new gun case with the FEMA case for sentencing, and the parties will then make a joint sentencing recommendation to the Court. The parties anticipate filing the paperwork for the information within the next week and a half. After the United States has done so, the probation office, however, will need additional time to revise the Presentence Investigation Report, and the parties will need additional time to be able to lodge any objections to that Report.⁵ As a result, the United States requests a continuance of the sentencing in this case. A continuance

⁵ See Fed. R. Crim. P. 32(e)(2) (requiring that a Presentence Investigation Report be disclosed "at least 35 days before sentencing") and 32(f)(1) (requiring the parties to object within 14 days after receiving the Presentence Investigation Report). Additionally, as part of the contemplated plea agreement, Hood will be required to testify in the Grand Jury. The next Grand Jury does not meet until August 25, 2008.

of a sentencing on these grounds is permissible so long as the sentence may still be “imposed without unnecessary delay.”⁶

4. The Government has conferred with Hood’s attorney, Aimee Cobb Smith, who indicated that she has no objection to this continuance. Therefore, the Government requests that the sentencing be continued for a period of at least 60 days.

Respectfully submitted this 31st day of July, 2008.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Christopher Snyder
CHRISTOPHER A. SNYDER
Assistant United States Attorney
131 Clayton Street
Montgomery, AL 36104
Phone: (334)223-7280
Fax: (334)223-7135
E-mail: christopher.a.snyder@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: Aimee Cobb Smith.

/s/ Christopher Snyder
CHRISTOPHER A. SNYDER
Assistant United States Attorney

⁶ Fed. R. Crim. P. 32(b)(1).